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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

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ROBERT H. SHEM WELL, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

JAVIER ARINSON LANDAZURI

CRIMINAL NO. 98-60030-02

VS.

JUDGE DOHERTY

UNITED STATES OF AMERICA

MAGISTRATE JUDGE METHVIN

J U D G M E N T

This matter was referred to United States Magistrate Judge Mildred E. Methvin for her Report and Recommendation. After an independent review of the record, the applicable jurisprudence, and objections filed, this Court concludes that the Report and Recommendation of the magistrate judge are correct and this Court adopts the conclusions set forth therein.

Accordingly, **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that Landazuri's motion to eliminate enhancements and reduce sentence is construed as a second §2255 motion and is **TRANSFERRED** to the United States Fifth Circuit Court of Appeals under the authority of 28 U.S.C. §1631 for that Court to determine whether petitioner is authorized under 28 U.S.C. §2244 to file the instant habeas corpus motion in this district court.

Lafayette, Louisiana this 31 day of January 2006.


REBECCA F. DOHERTY
UNITED STATES DISTRICT COURT